

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MARC ANTHONY TOWNES, )  
                          )  
Petitioner,           )  
                          )  
vs.                    ) CIVIL ACTION 13-0403-CG-M  
                          ) CRIMINAL NO. 07-00039-CG-M  
UNITED STATES OF AMERICA, )  
                          )  
Respondent.           )

**ORDER**

After due and proper consideration of the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

Accordingly, it is **ORDERED** that Respondent's Motion to Dismiss (Doc. 55) is **GRANTED**, that Petitioner's Motion to Vacate (Doc. 53) is **DENIED**, and that this action is hereby **DISMISSED**. It is further **ORDERED** that any certificate of appealability filed by Petitioner be **DENIED** as he is not entitled to appeal in forma pauperis.

**DONE and ORDERED** this 1st day of November, 2013.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE